

Case No. 14,890a.
[Hempst. 61.]¹

UNITED STATES V. CRITTENDEN.

Superior Court, Territory of Arkansas.

Oct., 1828.

INDICTMENT—ALLEGATION OF TIME—CONCLUSION.

1. Indictment is quashable in which the time is alleged “on or about” such a day.
2. It is also quashable for failing to conclude “against the peace and dignity of the United States.”

Indictment [against Robert Crittenden] for sending a challenge to fight a duel.

Before JOHNSON ESKRIDGE, BATES, and TRIMBLE, JJ.

OPINION OF THE COURT. The defendant moved the court to quash the indictment, because the time therein stated was in the alternative “on or about,” and because the indictment does not conclude “against the peace and dignity of the United States;” and the parties being heard, and full consideration thereof had, it is the opinion of the court that for either of the objections the indictment should be quashed.

Indictment quashed, and defendant discharged.

¹ [Reported by Hon. Samuel H. Hempstead, Esq.]